

REMARKS

Claims 1-14 and 25-38 are now pending in the application. Claims 15-24 have been cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

ELECTION / RESTRICTION REQUIREMENT

Applicants hereby affirm the election of claims 1-14 and 25-38 for prosecution on the merits without traverse.

REJECTION UNDER 35 U.S.C. § 102/103

Claims 1-14 and 25-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative under 35 U.S.C. § 103(a) as being unpatentable over Schmid et al. (U.S. Pat. No. 6,495,278, hereinafter "Schmid"). This rejection is respectfully traversed.

At the outset, Applicant notes that claims 1 and 25 have been amended to recite that the sealing layer is adhered to land portions of the plate including the flow channels. In his rejection of claims 1 and 25, the Examiner cites that Schmid teaches the "first sealing layer that secures said direct contact between said first diffusion medium and said plate." More specifically, the Examiner cites column 5, lines 5-8 of Schmid, which state that "separator plates of adjacent PEM modules may be adhesively bonded together. They may be bonded across substantially their entire contacting surfaces." This portion of Schmid clearly states that separator plates of adjacent PEM modules may be bonded to one another along their entire contacting surfaces. There is

nothing in this statement that would suggest the claimed “first sealing layer that secures said direct contact between said first diffusion medium and said plate.”

However, Schmid indicates that “[t]he adhesive may be impregnated into the porous electrode structure in the edge portions thereof.” (col. 4, lines 38-40). Specifically, with reference to the embodiments of Figure 3, Schmid states that the adhesive “bond is achieved by impregnating essentially the entire thickness of a portion of the porous electrode layers in the sealing regions with adhesive bonding agent 50, so that it contacts the membrane.” (col. 7, lines 41-45). There is no teaching or suggestion of the sealing layer being adhered to land portions of the plate including the flow channels as claimed in amended claims 1 and 25. Rather, Schmid merely appears to disclose use of the adhesive for sealing an outer perimeter sealing region or bonding adjacent separator plates to one another. Therefore, amended claims 1 and 25 appear to be in condition for allowance.

Claims 2-14 depend from claim 1 and claims 26-38 depend from claim 25 and should therefore be in condition for allowance for the reasons set forth above. Therefore, reconsideration and withdrawal of the rejection of claims 1-14 and 25-38 are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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